

REMARKS

This Supplemental Amendment cancels Claim 4 and amends Claims 1, 6, 13, 21, and 25. Thus, after entry of this Amendment, Claims 1-3, 5-9, 11, 13-16, and 21-28 remain pending and are presented for further consideration.

INTERVIEW

Applicant would like to thank Examiner Casanova for the interview conducted on May 28, 2008. It was helpful to discuss technology and the cited references.

Applicant discussed how the variable time duration occurred when the outgoing modems were active in contrast to McHale which performs a timeout when a modem is inactive. Furthermore, Applicant discussed how the duration of the claimed variable wait time is based on factors that are different than McHale's timeout process.

Applicant therefore asserts that the amended claims are patentably distinct from the cited references and respectfully requests allowance of pending Claims 1-3, 5-9, 11, 13-16, and 21-28.

NO DISCLAIMERS OR DISAVOWALS

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Application No.: 09/840,548
Filing Date: April 23, 2001

CO-PENDING APPLICATIONS OF ASSIGNEE

Applicant wishes to draw the Examiner's attention that co-pending Application No. 11/496,705 claims priority to the present application. Applicant notes that cited references, office actions, responses and notices of allowance will exist for this co-pending application.

Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, the specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

However, if the Examiner cannot readily access the file history of this co-pending application, the Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

CONCLUSION

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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